

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13-CV-640**

LANCELOT B. HAINES,)
Appellant,)
)
vs.)
)
WAYNE SIGMON, Trustee,)
Appellee.)
_____)

ORDER

THIS MATTER is before the Court on JPMorgan Chase Bank, N.A.'s (the "Bank") Motion to Dismiss the Appeal (Doc. No. 3) and Appellant Lancelot Haines' Response (Doc. No. 4). For the reasons set forth below, the Motion is **GRANTED**.

I. BACKGROUND

Lancelot B. Haines filed for relief under Chapter 7 of Bankruptcy Code, *pro se*, on September 20, 2013. On November 5, 2013, Wayne Sigmon, Chapter 7 Trustee, filed a motion to dismiss the Debtor's Chapter 7 case. On November 15, 2013, the Bankruptcy Court entered an order dismissing Haines' case. On November 22, 2013, Haines filed a Notice of Appeal (Doc. No. 1). On February 3, 2014, the Clerk's Office for the Bankruptcy Court issued a notice to Haines requiring him to pay \$298.00 in connection with the filing of his appeal. Haines has failed to pay the filing fee, and has otherwise failed to prosecute his appeal in any way.

II. DISCUSSION

The Bank submits to the Court that it is a secured creditor in Haines' bankruptcy case and is thus a party in interest to this appeal. The Bank notes that, besides paying the applicable filing fee, Haines was required to file the designation of items to be included in the record on appeal and a statement of the issues to be presented to the Court pursuant to Fed. R. Bankr. P. 8006.

Because he has failed to do any of these things, the Bank argues that his appeal must be dismissed. The Court agrees. Haines has failed to follow the requisite procedure for prosecuting an appeal from a bankruptcy ruling as required by Fed. R. Bankr. P. 8006, and indeed has failed to prosecute his appeal in any way whatsoever. As a result, his appeal must be dismissed.

The Court has reviewed Haines' fifty-seven page Response (Doc. No. 4) and cannot make sense of it. It appears to be little more than copies of previous filings in the bankruptcy case and strange compilations of legal jargon. The Court cannot discern what argument, if any, Haines attempts to make in response.

IT IS THEREFORE ORDERED that the Motion to Dismiss (Doc. No. 3) is hereby **GRANTED** and this appeal is hereby **DISMISSED**.

SO ORDERED.

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

